

Lead Hazard Mitigation Law 2005

In 2005, the General Assembly made some significant changes to the Lead Hazard Mitigation Law. This Law requires property owners to safely maintain rental units built before 1978 and to fix lead hazards in these units. This fact sheet was developed to answer questions you may have about the changes. For a more detailed description of the Law, please see the Frequently Asked Questions (FAQ) on the Housing Resources Commission (HRC) website at www.hrc.ri.gov/mitigation.html or call the HRC's Lead Technical Assistance Center at 1-800-570-0768.

1. When does the Law go into effect?

The implementation date of the Lead Hazard Mitigation Law has been changed to November 1, 2005.

2. Does the Lead Hazard Mitigation Law still apply to me?

If you own any of the following types of pre-1978 rental dwelling units, you are now exempt from the requirements of the Lead Hazard Mitigation Law:

1. Rental units with a current Lead Safe or Lead Free certificate;
2. Temporary or seasonal housing defined as housing that is rented for no more than 100 days per calendar year to the same tenant;
3. Housing restricted by regulatory agreement or zoning ordinance to persons age 62 or older;
4. Two (2) or three (3) unit properties in which one of the units is occupied by the property owner.

If you are **NOT** exempt from the Law, here are the steps you need to take to comply with the Lead Hazard Mitigation Law:

1. Attend a three-hour Lead Hazard Awareness Class.
2. Visually assess your rental property for lead hazards.
3. Fix lead hazards on your property.
4. Upon tenant turnover after November 1, 2005, get an Independent Clearance Inspection of the unit.
5. Give tenants information about lead hazards and a copy of the Inspection Report.
6. Respond to tenant concerns regarding lead hazards in the unit.
7. Perform ongoing maintenance using lead safe work practices learned in the three-hour Lead Hazard Awareness Class.

3. If I own one of the types of exempt properties, do I still have to take the class?

No. However, by taking the Lead Hazard Awareness Class you will learn good maintenance practices that can protect yourself, your family, and your tenants. By bringing your units into compliance with the requirements of the Law you can reduce your legal exposure by purchasing lead liability insurance through your insurer, another insurer, or the FAIR Plan starting November 1, 2005.

4. Is lead liability insurance available if I comply with the Law?

Yes. Insurance will be available either through your current insurer, another insurer, or through the FAIR Plan. Please contact your insurer or insurance agent directly for assistance.

5. Can I get lead liability insurance while I am in the process of complying with the Law?

Yes. If your insurer does not offer such coverage you can either contact another insurer or obtain a policy through the FAIR Plan. Please contact your insurer or insurance agent directly for assistance.

6. I am over age 62 and I own investment properties that I rent out. Does the elderly housing exemption apply to me?

Unless the rental units are designated by a federal, state, or local program for elderly housing as set forth in a regulatory agreement or zoning ordinance, or you meet one of the other exemptions, you must comply with the Lead Hazard Mitigation Law.

7. I own historical properties that I rent out. Am I required to comply with the Lead Hazard Mitigation Law?

Yes. You are required to comply with the Lead Hazard Mitigation Law unless your property qualifies as one of the exempt properties listed above.

8. Does the Lead Hazard Mitigation Law apply to vacation rental units?

If you own a vacation rental unit, the Law will apply only if you rent out the unit for more than 100 days in a calendar year to the same tenant.

9. I own a three-unit building. Am I exempt from the Law?

Only if you occupy one of the units as your primary residence.

10. What must I do to comply with the Lead Hazard Mitigation Law before November 1, 2005?

The Law requires you to take a three-hour Lead Hazard Awareness Class approved by the Housing Resources Commission before November 1, 2005. For a list of training providers visit the HRC's website at www.hrc.ri.gov/mitigation.html or call toll free 1-800-570-0768. If you live out of state or cannot attend a class offered by these approved providers, classes will be available on the Internet and on VHS and DVD in the coming months.

11. What do I have to do to be in compliance with the Law if I purchase rental housing after November 1, 2005?

If you purchase a rental property that was constructed prior to 1978 and does not qualify for one of the exemptions, and it is occupied by a child under the age of six (6) or a pregnant woman, you must have the property visually inspected within 30 days and meet the Lead Hazard Mitigation Law's requirements within 60 days of assuming ownership of the property. If the property is not occupied by a child under the age of six (6) or a pregnant woman, then you must meet the requirements of the Lead Hazard Mitigation Law at the next change in tenants.

12. If I rent out my condominium, do I need to inspect the entire building?

No, the inspection is limited only to the interior of the condominium dwelling unit. The exterior, soil, and common areas are exempt. However, be aware that there are state and local minimum housing standards you and the Condominium Association must comply with.

13. How often do I need to get my rental units inspected?

After November 1, 2005, if one of your rental units becomes vacant and you are not exempt from the Law, you must fix the lead hazards and have the unit inspected by a licensed Lead Inspector or Inspector Technician. Once you pass the Independent Clearance Inspection the inspector will issue you a Certificate of Conformance. The Certificate is good for two (2) years. If the same tenant still resides in the unit after two (2) years, you can keep your Certificate current by visually inspecting the unit and filing an Affidavit of Completion of Visual Inspection with the Housing Resources Commission. If there have been tenant turnovers in the unit within the two-year period, you must have the unit inspected by a licensed Lead Inspector or Lead Inspector Technician prior to the expiration date on your Certificate.

14. I have a contractor addressing the lead hazards in my rental properties. Can he/she do the Clearance Inspection for me?

No. Under the Law, Lead Hazard Mitigation Inspectors performing Independent Clearance Inspections cannot have any interest or engage in any business or employment with regards to the unit that they are inspecting, the contractor performing the work, or the laboratory analyzing the lead sample.

15. Were there changes to the Presumptive Compliance Provision?

There are no significant changes to the Presumptive Compliance Provision. However, once the units have received and passed an Independent Clearance Inspection you can maintain those units through visual inspections. Either yourself or someone you designate can do the visual inspection.

16. Where can I get assistance to help bring my units into compliance?

If you need financial and/or technical assistance call the Rhode Island Lead Technical Assistance Center at 1-800-570-0768 or visit www.hrc.ri.gov/mitigation.html. We may be able to assist you with:

- Visual Assessments
- Lead Hazard Reduction Loans
- Lead Tax Credits
- Referral services

Note: Services have funding and income eligibility restrictions.